EXHIBIT H

1	IN THE UNITED STATES DISTRICT COURT
2	FOR THE WESTERN DISTRICT OF NORTH CAROLINA
3	
4	CARYN DEVINS STRICKLAND, : CIVIL NO.
5	Plaintiff 1:20-cv-00066-WGY
6	vs. :
7	UNITED STATES, et al.,
8	Defendants :
9	
10	DEPONENT: EDWARD G. SMITH, ESQ.
11	DATE: APRIL 20, 2023
12	TIME: 10:00 a.m.
13	LOCATION: CLARK BOLEN
14	671 JAMESTOWN DRIVE, SUITE 206D
15	MURRELLS INLET, SC
16	REPORTED BY: CAROL T. LUCIC, RPR, RMR
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18	
19	
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21	
22	CLARK BOLEN COURT REPORTING & VIDEO CONFERENCING
23	CHARLESTON, SC 29405
24	843-762-6294
25	WWW.CLARK-ASSOCIATES.COM

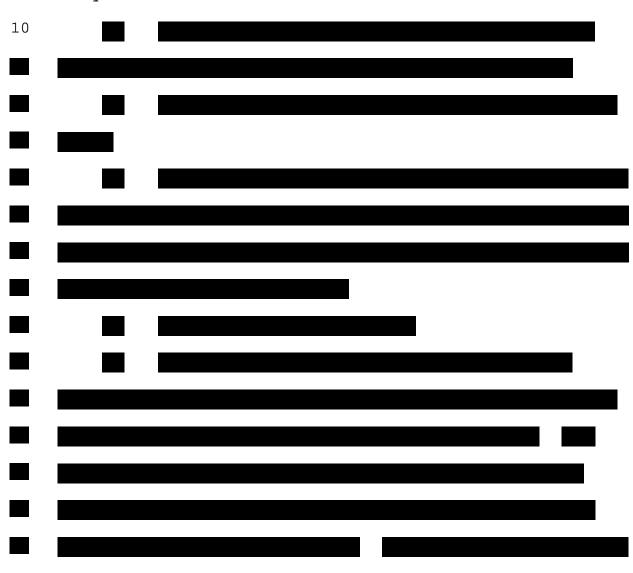
1	APPEARANCES
2	
3	ON BEHALF OF THE PLAINTIFF:
4	THOMAS, FERGUSON & BESKIND, LLP
5	BY: OLIVIA WARREN, ESQ.
6	119 EAST MAIN STREET
7	DURHAM, NC 27701
8	
9	ON BEHALF OF THE DEFENDANT:
10	UNITED STATES DEPARTMENT OF JUSTICE
11	CIVIL DIVISION, FEDERAL PROGRAMS BRANCH
12	BY: RACHAEL WESTMORELAND, ESQ.
13	MADELINE McMAHON, ESQ.
14	DANIELLE YOUNG, ESQ. (via Zoom)
15	KRISTIN MANNHERZ, ESQ. (via Zoom)
16	1100 L STREET, N.W.
17	WASHINGTON, D.C. 20005
18	
19	PRESENT (via Zoom) COOPER STRICKLAND, ESQ.
20	CARYN STRICKLAND, ESQ.
21	
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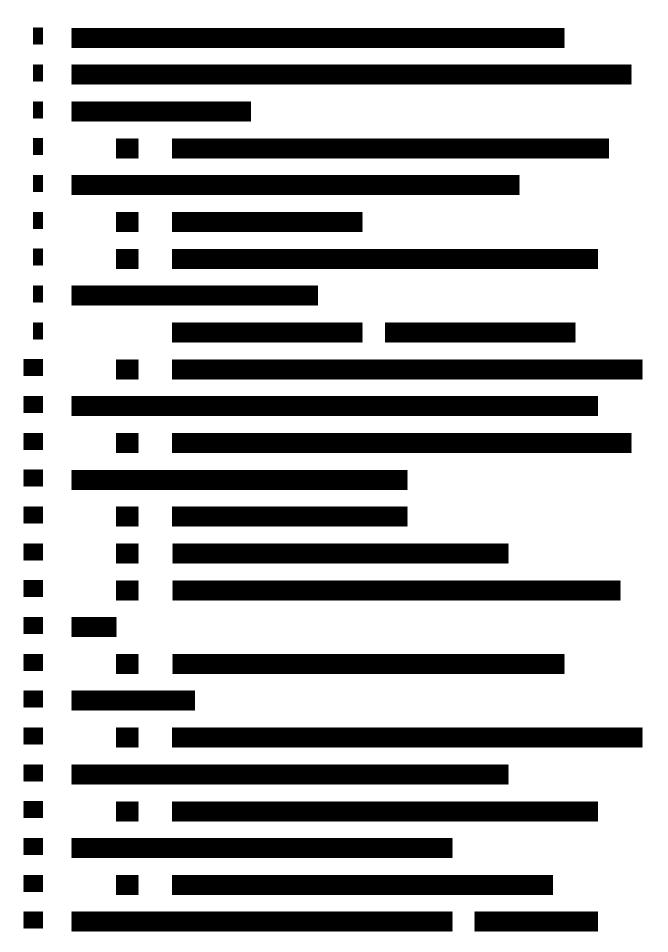
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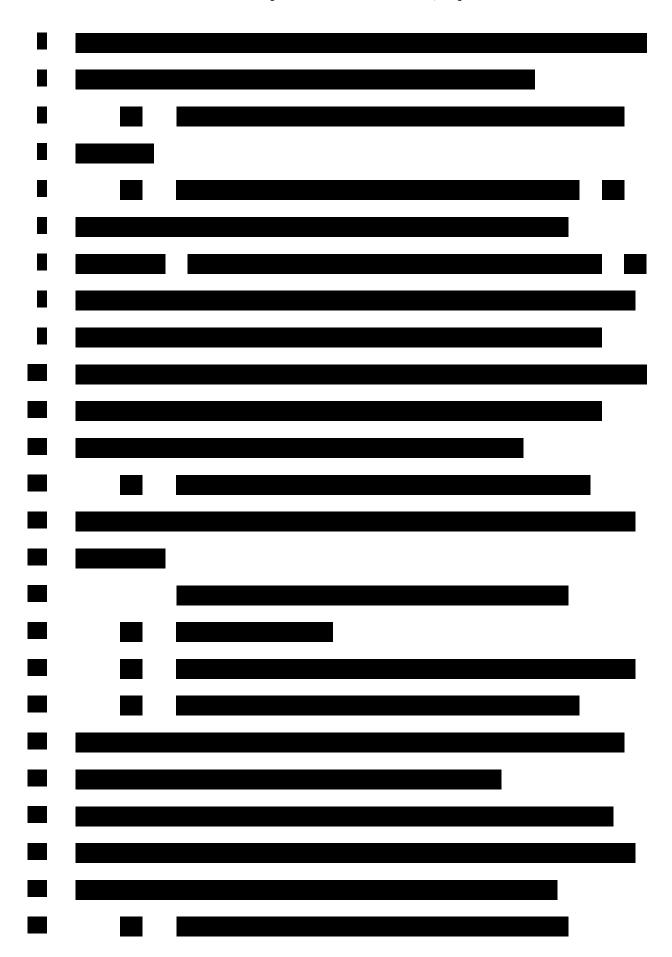
- 1 A. No.
- Q. In January of 2019 when Mr. Ishida
- 3 contacted you, what was your understanding of how
- 4 mediation worked under Chapter 10 of the EDR plan?
- 5 A. My understanding is a mediator is
- 6 designated, and I get that designation if it's
- 7 appointing me or if there is somebody else
- 8 involved, it would go to them. I then review
- 9 whatever documentation I may have. My typical
- 10 procedure has really been to talk to the parties
- 11 separately initially anyway. Sometimes we do end
- 12 up getting together eventually.
- 13 It's my role to see if I can settle it
- 14 within the confines of the remedies within the EDR
- plan or, as in this case, I really wasn't dealing
- with those remedies because there really wasn't a
- 17 remedy that fit the situation. I was trying to see
- 18 if I could work out a way to send Caryn back to
- work that was acceptable to her.
- Q. Do you remember if this case was
- 21 proceeding under the 2013 EDR plan or the 2018 EDR?
- 22 A. '13.
- 23 Q. The 2013?
- A. Well, it was proceeding under a different
- 25 plan than we're under now. I don't really know the

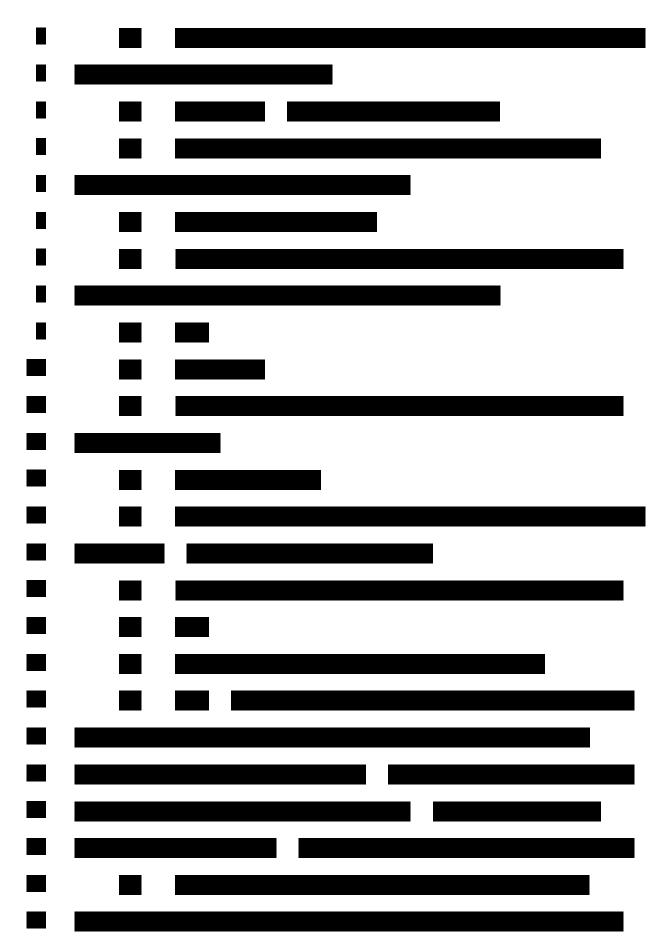
- 1 A. I was only dealing with trying to get her
- 2 back in the office.
- Q. I know you said you didn't feel there was
- 4 a remedy that fit that situation, and I think you
- 5 just said you weren't dealing with these, so what
- 6 remedies were you dealing with?
- 7 A. There wasn't a remedy that I could utilize
- 8 to fit this situation. Maybe the internal
- 9 investigation would fit a remedy. That's separate
- 10 and apart from me. All my authority is what is
- 11 given to me by the Court. My job description is I
- 12 mediate civil disputes between counsel and parties.
- 13 I was asked to participate in the EDR as a mediator
- 14 because I'm a mediator. My charge is here are your
- 15 remedies, mediate this case, and see if you can
- 16 resolve it.
- You can read these. None of these are
- 18 going to do anything in this particular case, so I
- 19 was trying to figure out how I was going to get
- 20 Caryn back in the office in such a way where she is
- 21 given some concessions where she's happy, and
- 22 that's what I did.
- Q. Did you tell Caryn that you were operating
- with remedies outside of the plan?
- A. No. I said I was trying to work out a way

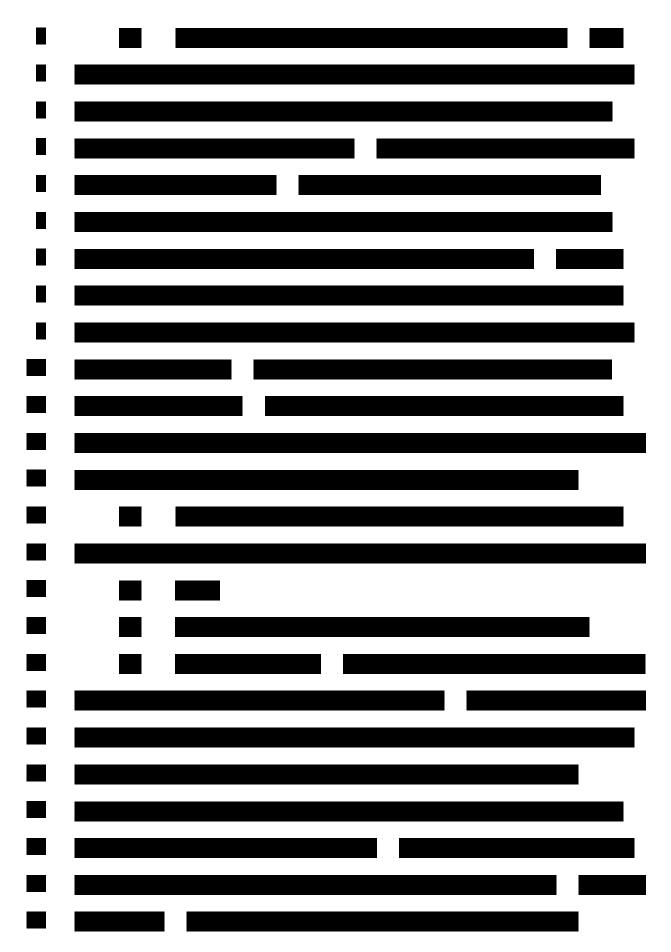
- 1 Office works, so I can't answer that. I know if
- you're a mediator, wherever you're located you get
- 3 locality pay.
- 4 Q. I want to talk about some of the details
- 5 in this case from your early meetings in January
- 6 before Caryn filed a supplemental request a little
- ⁷ bit later in February.
- Did you think that it would be hard to get
- 9 Caryn back to the Charlotte office?

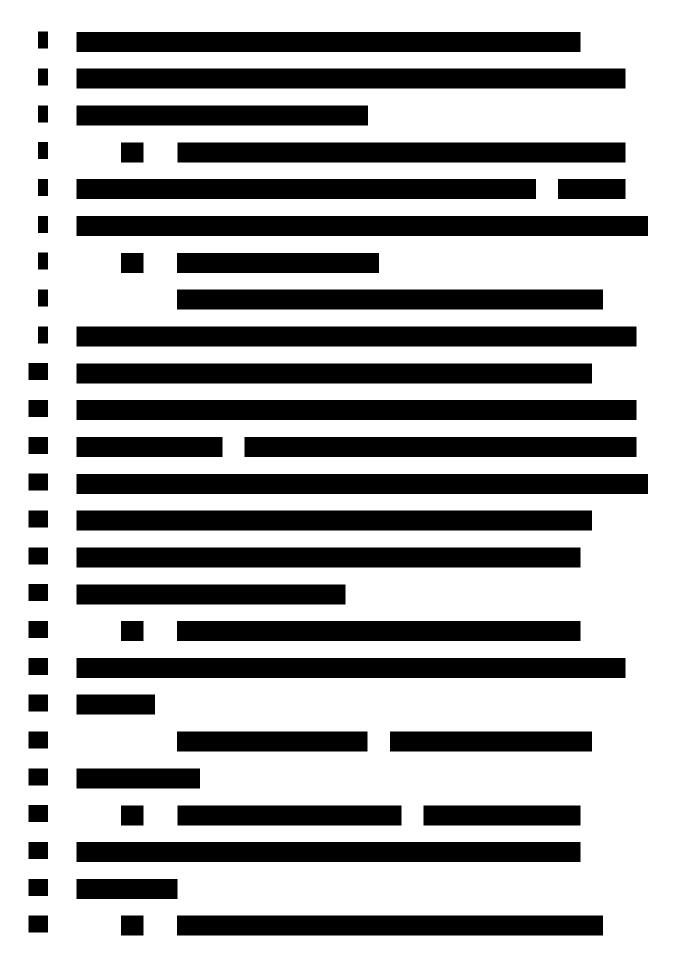


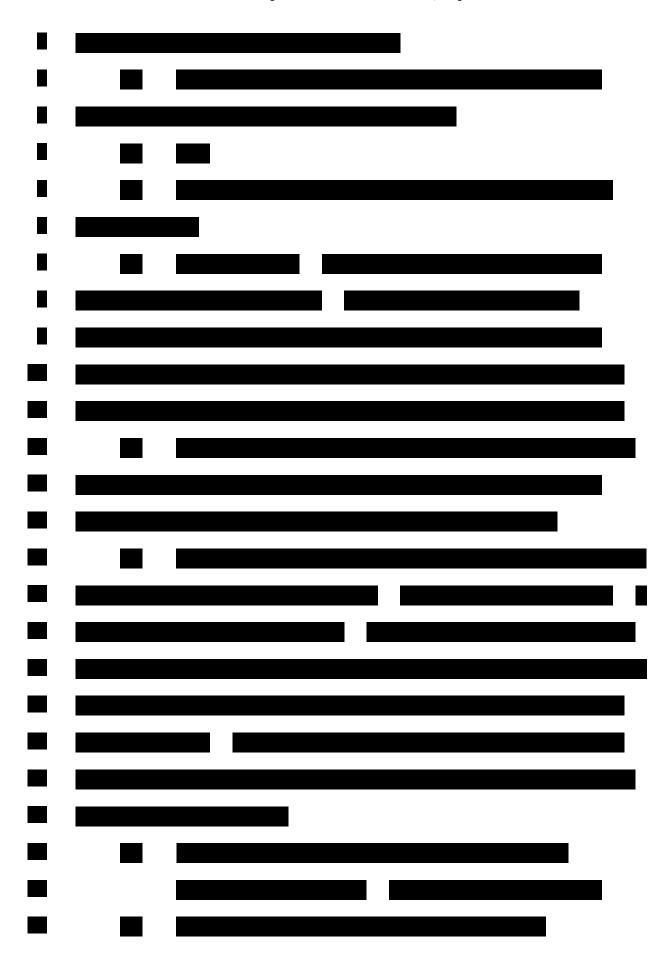


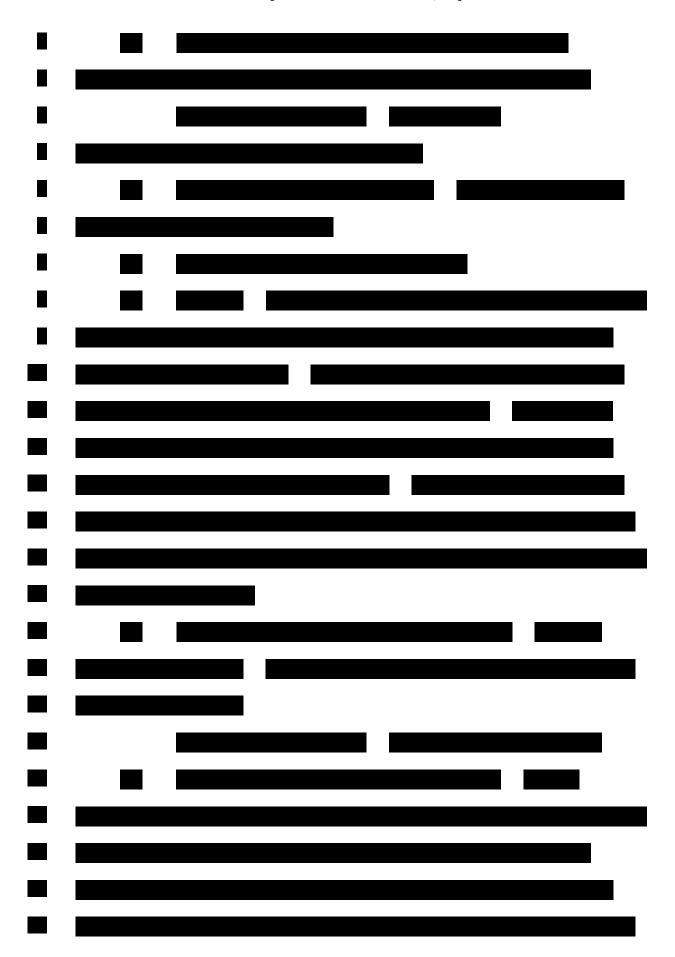


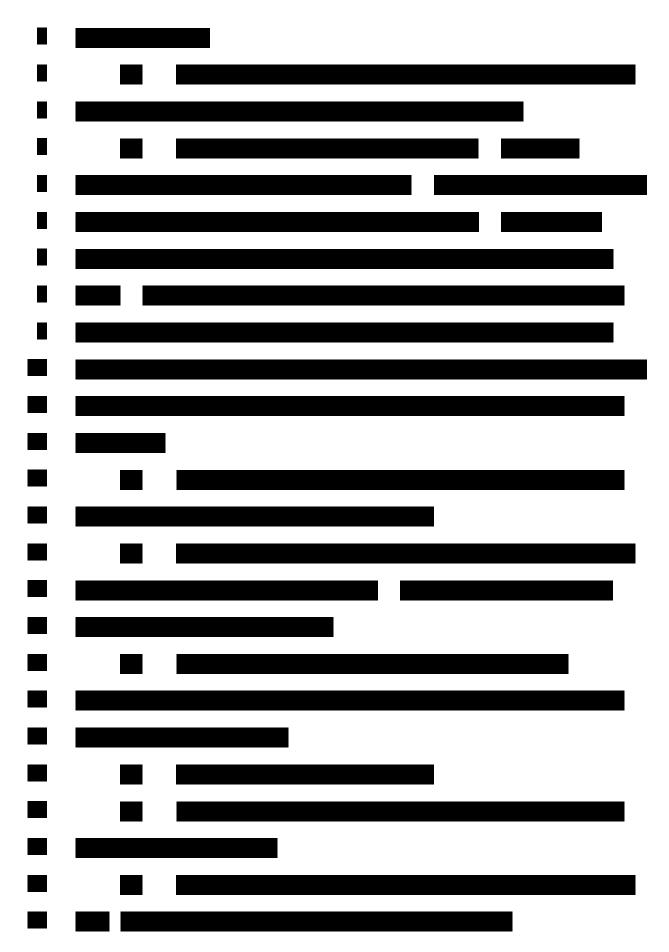












- 1 A. You have to understand I wasn't thinking
- this through. These are general things that
- 3 mediators use to try to say, hey, I don't know what
- 4 the motivation was. You could be right, but it
- 5 could be all of these other things. Let's figure
- 6 it out. Then I go meet with Tony, and I'm hit with
- 7 what I'm hit with. One reason I asked Caryn some
- 8 of these questions is I want her impression because
- 9 if I walk in and I get hit with the same thing,
- okay, I'm not getting this resolved. It's
- invaluable information to me.
- 12 Q. Before this mediation had you ever had any
- training from the circuit in sexual harassment?
- 14 A. No. I have never worked on a sexual
- 15 harassment case in my life to my knowledge and
- don't know the standards, don't know anything, so
- that's another reason I couldn't weigh into this
- 18 because I know nothing about it.
- 19 Q. Just to understand what you mean, was this
- your first ever sexual harassment mediation?
- 21 A. To my knowledge it's the only sexual
- 22 harassment case I have ever mediated.
- Q. Including the other EDR complaints?
- A. Correct.
- Q. Were you aware of whether Mr. Martinez was

- of interest to Caryn.
- Q. Did you think that Caryn was pleased with
- 3 the result?
- 4 A. She said she was. I can only base it on
- 5 that.
- 6 O. On March 8 of 2019 did she tell you that
- 7 it felt like a very nicely packaged constructive
- 8 discharge?
- 9 A. I seem to remember reading that, but my
- 10 memory is it was before she had interviewed with
- 11 Judge Floyd and taken it. My memory is it was
- 12 brought up when we were talking about possible
- options, but I do recall that being said, yes.
- Q. So you recall that she communicated she
- 15 felt a clerkship would be a constructive discharge?
- A. Right, something to that effect.
- 0. Did she tell you that she had to give up a
- 18 career that she wanted because she was harassed and
- 19 retaliated against?
- 20 A. I have a memory that she said she felt
- like that, but my understanding and my belief of
- 22 what was going to occur is that she was going to
- take the clerkship. There was a possibility for
- the Western District of Virginia to get her into a
- 25 Federal Defender's Office, so I didn't think that

2	STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	
3		
4	I, Carol T. Lucic, Registered Professional	
5	Reporter and Notary Public for the State of Sou Carolina at Large, do hereby certify that the witness in the foregoing deposition was by me d	
6	sworn to testify to the truth, the whole truth, and	
7	nothing but the truth in the within-entitled cause that said deposition was taken at the time and location therein stated; that the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed by computer-aided transcription; that the foregoing is a full,	
8		
9		
10	complete, and true record of the testimony of the witness and of all objections made at the time of	
11	the examination; and that the witness was given an opportunity to read and correct said deposition and	
12	to subscribe the same.	
13	Should the signature of the witness not be	
14 15	affixed to the deposition, the witness hot be affixed to the deposition, the witness shall not have availed himself/herself of the opportunity to sign or the signature has been waived.	
16	bigh of the bighatare has been warvea.	
17	I further certify that I am neither related to nor counsel for any party to the cause	
18	pending or interested in the events thereof.	
19	Witness my hand, I have hereunto affixed	
20	my official seal on May 2, 2023, at Charleston, Charleston County, South Carolina.	
21	Consol W. Turnin	
22	Carol T. Lucic NCRA MERIT REPORTER DEGLETION DEPORTED	
23	REGISTERED PROFESSIONAL REPORTER	
24	Mr. Commiggion orginos: Norrember 27 2027	
25	My Commission expires: November 27, 2027	